



File Code: 1570-1 (215)
#10-01-00-0052

Date: June 22, 2010

Michael Garrity
Alliance for the Wild Rockies
P.O. Box 505
Helena, MT 59624

Dear Mr. Garrity:

This is my decision on disposition of the appeal you filed on behalf of the Alliance for the Wild Rockies, Montana Ecosystem Defense Council, and Native Ecosystems Council, regarding the Bozeman Municipal Watershed Record of Decision (ROD) on the Gallatin National Forest.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have reviewed the appeal record, including your arguments, the information referenced in the Forest Supervisor's June 3, 2010, transmittal letter, and the Appeal Reviewing Officer's recommendation (copy enclosed). The transmittal letter provides the specific page references to discussions in the ROD and project file, which bear upon your objections. I specifically incorporate into this decision the appeal record, the references and citations contained in the transmittal letter, and the Appeal Reviewing Officer's recommendation.

The Appeal Reviewing Officer has considered your arguments, the appeal record, and the transmittal letter and recommends the Forest Supervisor's decision be reversed.

I agree with the Appeal Reviewing Officer's conclusions concerning the Regional Soils Quality Standards. Based upon a review of the references and citations provided by the Forest Supervisor, I find it is not clear how the analysis is consistent with the Regional Soil Quality Standards (FSM 2500-99-1) concerning detrimental soil disturbance. After careful consideration of the above factor, I reverse the Forest Supervisor's decision to implement the Bozeman Municipal Watershed project. The requested relief to remand the project back to the Forest is granted.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/s/ Jane L. Cottrell
JANE L. COTTRELL
Appeal Reviewing Officer

cc: Mary C Erickson, Kevin Riordan, Steve Christiansen, Ray G Smith

